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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,710	04/02/2004	Yoshinari Higuchi	450100-05014	1185
7590 06/22/2010				
William S. Frommer, Esq. FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151				
EXAMINER				
CROWDHURY, NIGAR				
ART UNIT		PAPER NUMBER		
2621				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/816,710

**Applicant(s)**

HIGUCHI ET AL.

**Examiner**

NIGAR CHOWDHURY

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed on 03/24/2010 have been fully considered but they are not persuasive.

2. In re pages 9-10, applicant argues that Watanabe discloses a reproducing apparatus with editing capabilities and user controls reproducing and editing through the use of pressing buttons. Watanabe fails to disclose "wherein the control means is configured to transmit a start-up request for an application in response to the recognized control state of the external recording device, wherein the control means is configured to transmit the imaging data after receiving control command from the external recording device through the communication means" as recited in claim 1.

In response, the examiner respectfully disagrees. Watanabe discloses from fig. 3, 6, col. 8 lines 60-col. 9 lines 12 that "...when the remote-control signal receiving part 12 receives a pause cancel instruction from the remote control signal.....system control part.....releases the recording action from the paused state in response to the pause cancel instruction ...to resume the recording action....."; col. 11 lines 27-34 that "....the remote-control codes of the pause instruction and the pause cancel instruction for use of them .....some other instruction such as fast feeding, rewinding, etc.....". Watanabe discloses a start-up request for a recording application to start recording action from the pause state in response to the recognized control state which is pause instruction of recording device. After receiving pause cancel instruction from the remote control signal, recording device releases the recording action from the paused state. Therefore,

Watanabe discloses a external recording device (fig. 3 (11)) to record the imaging data that has been obtained through the communication means based on the recording application executed by the pause cancel instruction.

***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,953,481 by Watanabe et al.
4. Regarding **claim 1**, an imaging device configured to output imaging data that is obtained by imaging of an object, the imaging device comprising:
  - Recording means for recording the imaging data on the recording device. (fig. 2 (32));
  - communication means for communicating the imaging data (fig. 3, 6 (111j)); and
  - control means for recognizing a controlled state of an external recording device when a communication is enabled with the recording device through the communication means conforming to a predetermined transmission method (fig. 3 (2, 13), fig. 6 (115));
  - wherein the control means is configured to transmit a start-up request for a recording application in response to the recognized control state of the external recording device (fig. 3, 6, col. 8 lines 60-col. 9 lines 12, col. 11 lines 27-34, col. 12 lines 33-59)

- wherein the control means is configured to transmit the imaging data after receiving control command from the external recording device through the communication means (fig. 3, 6, col. 8 lines 60-col. 9 lines 12, col. 11 lines 27-34, col. 12 lines 33-59)
  - wherein the external recording device records the imaging data that has been obtained through the communication means based on the recording application executed (fig. 3, 6, col. 8 lines 60-col. 9 lines 12, col. 11 lines 27-34, col. 12 lines 33-59)
5. Regarding **claim 2**, the imaging device further comprising display means for displaying the progress of an application needed for a recording operation obtained by controlling the recording device (fig. 5 (7), 7, col. 13 lines 13-60).
6. Regarding **claim 3**, the imaging device wherein, when communications are enabled with a plurality of the recording devices through the communication means connected respectively to the recording devices, the control means selects the specific recording device as a communication target on the basis of unique node IDs assigned respectively to the communication means, and refuses to communicate with the other recording devices than the selected recording device (fig. 3 (1, 11), 6 (117, 120), col. 7 lines 66-67, col. 8 lines 60-col. 9 lines 12, col. 12 lines 5-6, 10-18).
7. **Claim 4** is rejected for the same reason as discussed in the corresponding claim 1 above.
8. **Claim 5** is rejected for the same reason as discussed in the corresponding claim 2 above.

9. **Claim 6** is rejected for the same reason as discussed in the corresponding claim 3 above.
10. **Claim 7** is rejected for the same reason as discussed in the corresponding claim 3 above.
11. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 1 above.
12. Regarding **claim 9**, the imaging device wherein the communication means is connected outside of the imaging device (fig. 2 (212)).
13. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 9 above.
14. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 9 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC  
06/20/2010

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621